

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

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THE STATE OF IOWA,

Plaintiff,

vs.

RAY AVILA,

Defendant.

CRIMINAL NO.

COMPLAINT and AFFIDAVIT

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Count 1

The defendant is accused of the crime of INVOLUNTARY MANSLAUGHTER, a class D felony, in violation of Iowa Code section 707.5(1)(a). On or about July 29, 2018, in Woodbury County, Iowa, the defendant unintentionally caused the death of another person (Peter Johnson) by the commission of a public offense (assault).

Count 2

The defendant is accused of the crime of ASSAULT CAUSING SERIOUS INJURY, a class D felony, in violation of Iowa Code section 708.2(4). On or about July 29, 2018, in Woodbury County, Iowa, the defendant assaulted Peter Johnson, causing a serious injury.

THEREFORE, complainant requests the defendant, subject to bail or conditions of release, (1) be arrested or that other lawful steps be taken to obtain the defendant's appearance in court or (2) be detained, if already in custody, pending further proceedings, and that the defendant otherwise be dealt with according to law.



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Complainant  
Woodbury County Attorney's Office

## AFFIDAVIT

I, the undersigned complainant, being first duly sworn on oath, depose and state I believe the above-named defendant committed the above-named public offense based upon the following facts known by me or told to me by other reliable persons: On Sunday, July 29, 2018, around 1:56 a.m. (approximately bar closing time on 4<sup>th</sup> Street), Sioux City Police Officers encountered Juan Espinoza striking a window of a blue Integra with Iowa license plate # FPU 301 parked on the north side of the 1100 block of 4<sup>th</sup> Street with an object that appeared to be a belt. The defendant appeared to be with two other individuals. Juan Espinoza told police he was the registered owner of the Integra and he was locked out. Officers confirmed Juan Espinoza was the registered owner of the Integra and left. A tenant (Jeremy Lyons) from apartments located across the street recorded subsequent events using his phone. Lyons was concerned Juan Espinoza was breaking into someone else's car. Juan Espinoza continued to break into his Integra. Witnesses (Zach Hart, Jacqueline Orellana and Juan Espinoza) and Lyons video recording portray Peter Johnson running up on Juan Espinoza as Juan was breaking into his vehicle. Peter Johnson performed a two-legged kick on Juan Espinoza. A brief melee ensued between Peter Johnson and Juan Espinoza. Peter Johnson can be heard exclaiming he thought Juan Espinoza was robbing the car in the audio from Lyons' recording. Peter Johnson and Juan Espinoza separate from each other. An individual identified as Trevon Pullian walked over to this scene and started recording with his cell phone. Police also obtained this recording. Pullian's recording shows Juan Espinoza walk away from Peter Johnson towards the driver's door of his Integra. The defendant is identified as the person walking past Juan Espinoza towards Peter Johnson. The defendant walks up onto the sidewalk where Peter Johnson is located and confronts Peter Johnson. The defendant is positioned face-to-face with Peter Johnson when his left hand punches the right side of Peter Johnson's face knocking Peter Johnson backward onto the concrete sidewalk. The defendant walked away from Peter Johnson after knocking him out and fled from the scene. Rosa Meza reported to police she was in a car travelling south on Court Street after bar closing time when an individual she knew from Sioux City East High School named Ray approached and told her he "just laid a motherfucker out, I need a ride". She did not provide a ride and he continued southbound on Court Street. Juan Espinoza fled in his Integra with at least one of his companions. At 2:07:47 a.m., shortly after the defendant knocked Peter Johnson out, Zach Hart called 911 to report this assault and provided the Integra's license plate number to the 911 operator. Police and paramedics responded to the scene. Peter Johnson was transported to Mercy Medical Center where surgery was performed to attempt to alleviate the bleeding and pressure on his brain. Peter Johnson died of his injuries. An autopsy was performed on Saturday, August 4, 2018 at the Iowa State Medical Examiner's Office in Ankeny, Iowa. Dr. Kruze, who performed the autopsy, stated Peter Johnson suffered a ring fracture in the base of his skull from impact with the sidewalk after being knocked down by the punch. Peter Johnson had subdural and subarachnoid hematomas. Dr. Kruze ruled Peter Johnson's death a homicide due to blunt force injury to his head. Juan Espinoza, under oath, identified the person who punched Peter Johnson as Ray Avila from a still photo taken from Pullian's video recording. Police officers familiar with the defendant also identified him from video recordings of this incident. Additional video surveillance recordings from earlier in the evening confirm Juan Espinoza and the defendant were together. Police have attempted to locate the defendant without success.



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Complainant

SUBSCRIBED and SWORN to before me by the person signing this Complaint and  
Affidavit on August 8, 2018.



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Notary Public

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